

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 7-9 and 12 are requested to be cancelled.

This amendment deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6, 10 and 11 are now pending in this application.

Claim Rejections

Claims 7-9 and 12 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is moot in light of the cancellation of claims 7-9 and 12.

Claims 1, 4, 7 and 10-12 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,119,015 to Eun ("Eun") in view of JP Application 2003-392529 to Obata Kiyoshi ("Obata") in view of JP 11-205849 to Kotani Gensai ("Kotani") and further in view of U.S. Publ. No. 2005-0243745 to Stanwood ("Stanwood"). Claims 2, 3, 5, 6, 8 and 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Eun, Kiyoshi, Kotani and Stanwood, and further in view of JP 2000-253460 to Yonekura et al. ("Yonekura").

Applicant respectfully traverses these rejections for at least the following reasons.

Independent claim 1 recites:

A radio base station system formed of one master base station, a plurality of slave base stations, and a control device controlling the master base station and the slave base stations, wherein

the slave base station includes:

frame synchronizing means for synchronizing a frame of said slave base station with a frame of the master base station, and

slot setting means for setting, as a reception control slot, a

predetermined reception slot in the frame of said slave base station matching in timing with a reception control slot in the frame of the master base station;

each of the base stations includes:

reception level obtaining means for obtaining a reception level corresponding to a received signal strength of said set reception control slot when a link channel establishment request message is received in said set reception control slot, and

traffic channel allocating means for allocating a traffic channel with respect to a mobile station transmitting the link channel establishment request message to predetermined transmission and reception slots in the frame according to a traffic channel allocation instruction; and

the control device includes:

allocation instructing means for receiving the reception level from each of the base stations, determining the base station of the maximum reception level and transmitting the traffic channel allocation instruction to the determined base station.

The references applied in the rejections of the claims fail to disclose at least the above italicized features of independent claim 1 in the context of that claim.

Eun discloses a system with a master base station 200, and slave base stations 300, 400 and 500 (See FIG. 1). The base stations communicate with respective mobile units 202-208, 302-308, 402-408 and 502-508.

Eun, however, fails to disclose the allocation instructing means of claim 1 “for receiving the reception level from each of the base stations, determining the base station of the maximum reception level and transmitting the traffic channel allocation instruction to the determined base station.” The Patent Office on page 7 of the Office Action recognizes that Eun does not disclose the allocation instructing means as recited, stating “Eun, Obata and Kotani fail to specifically disclose determining the base station of the maximum reception level and transmitting the traffic channel allocation instruction to the determined base station.” The Patent Office, however, relies on Stanwood for disclosing this feature. Applicants respectfully disagree.

Stanwood does not disclose the allocation instructing means of claim 1 “for . . . determining the base station of the maximum reception level and transmitting the traffic channel allocation instruction to the determined base station.” The Patent Office cites to Stanwood in paragraphs [0054] and [0070]-[0071] for disclosing this feature. Applicants

respectfully disagree. Stanwood merely discloses that base station bandwidth requirement parameters are used in controlling the uplink/downlink time slot allocations for a given cell (See paragraph [0070]). Bandwidth, however, is not the same as signal strength. Thus, Stanwood does not disclose “determining the base station of the maximum reception level,” where a reception level corresponds to a received signal strength, or necessarily “transmitting the traffic channel allocation instruction to the determined base station.” If the Patent Office maintains the rejection based in part on Stanwood, applicant respectfully requests the Patent Office to specifically point out where Stanwood discloses transmitting a traffic channel allocation instruction to a base station based on the base station having been determined to have the maximum reception level corresponding to received signal strength.

Yonekura was cited for disclosing other features of the claims, but fails to cure the deficiencies of Eun, Obata, Kotani and Stanwood.

Independent claim 4 includes features corresponding to those discussed above with respect to claim 1 in the context of a method claim, and is patentable for analogous reasons.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein. For example, claims 10 and 11 each recite the feature of “wherein said predetermined conditions include a measured minimum reception slot interference level.” Thus, in claims 10 and 11, the traffic channel is allocated to the reception slot satisfying predetermined conditions when the reception slot satisfying the predetermined conditions exists other than a predetermined reception slot, and the traffic channel is allocated to the predetermined reception slot when the reception slot satisfying the predetermined conditions does not exist, “wherein said predetermined conditions include a measured minimum reception slot interference level.” The Patent Office on page 12 of the Office Action cites to paragraphs [0053], [0054] and [0066], presumably of Obata, for disclosing the features of claims 10 and 11. Obata merely discloses in the cited sections, however, a master base station 1 investigating slot free information and carrier sensing information from a number of base stations, and based on the investigation determining which of the base stations should communicate with which of a number of mobile stations. Obata does not disclose any allocation based on a measured

minimum reception slot interference level as in claims 10 and 11. Neither the slot free information, nor the carrier sensing information, which is investigating whether a channel or slot is full, of Obata is a measured minimum reception slot interference level.

Applicant believes that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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